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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/709,322 | 04/28/2004 | Gary L. Rytlewski | 22.1391CON | 3321 |
| 35204 | 7590 | 11/18/2005 | EXAMINER | |
| SCHLUMBERGER RESERVOIR COMPLETIONS | | | STEPHENSON, DANIEL P | |
| 14910 AIRLINE ROAD | | | ART UNIT | |
| ROSHARON, TX 77583 | | | PAPER NUMBER | |
| | | | 3672 | |
| DATE MAILED: 11/18/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,322

Applicant(s)

RYTLEWSKI ET AL.

Examiner

Daniel P. Stephenson

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3672

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 15-27 and 29-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 15-27 and 29-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/14/04, 9/9/05</u> | 6) <input type="checkbox"/> Other: _____ |

By

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-6, 9, 10, 17, 18, 20-26 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the pre-grant publication '552 to Moss (hereafter Moss '552) in view of the WIPO document '798 to Galerne (hereafter WIPO '798). Moss '552 (Figures 2 and 3, para. 11-29) discloses an apparatus for use with a subsea well. The apparatus has a carrier line spool, which has a carrier line that is adapted to be positioned underwater and to be operatively coupled to subsea wellhead equipment. The carrier line spool is a coiled tubing or wireline spool. There is an injector head adapted to drive coiled tubing from the coiled tubing spool, the injector head located on a stack on the wellhead, along with the coiled tubing spool. The apparatus also has a carousel containing a plurality of intervention tools. The carousel is rotatable underwater to enable switching of tools for connection to the carrier line. An underwater marine unit is adapted to operatively couple the carrier line to the subsea wellhead equipment, namely an ROV. The ROV takes down an umbilical line to the stack to receive command signals. Moss '552 does not disclose that the reel is separate from the intervention equipment, and located on the sea floor. WIPO '798 discloses a reel (39) for high-pressure hose (25) that is located subsea. It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the reel of Moss '552 on the sea floor as shown in WIPO '798. This would be done to provide a safety distance for the reel in case of a blow out as taught by WIPO '798 (pages 10 and 11).

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3. Claim 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss '552 in view of WIPO '798 as applied to claims 6 and 18 above, and further in view of Avakov et al. Moss '552 in view of WIPO '798 shows all the limitations of the claimed invention, except they do not disclose that there is a gooseneck that leads into the injector head. Avakov et al. discloses a carrier spool is located near a stack. The line moves through a gooseneck within the stack above the wellhead when it is injected. It would have been obvious to one of ordinary skill in the art at the time the invention was made to inject the line of Moss '552 in view of WIPO '798 through a gooseneck as taught by Avakov et al. This would be done so that there was less weight on the wellhead and/or stack.

4. Claims 8 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss '552 in view of WIPO '798 as applied to claims 5 and 26 above, and further in view of Kogure et al. Moss '552 in view of WIPO '798 shows all the limitations of the claimed invention, except they do not disclose that there are buoyancy tanks located on the stack or carrier spool. Kogure et al. teaches the usefulness of buoyancy tanks when dealing with subsea vessels (col. 4 lines 31-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the apparatus of Moss '552 in view of WIPO '798 to use the buoyancy devices as claimed by Kogure et al. This would allow greater control over the apparatus and allow them to come to the surface when necessary.

5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss '552 in view of WIPO '798 as applied to claim 1 above, and further in view of Reynolds. Moss '552 in view of WIPO '798 shows all the limitations of the claimed invention, except they do not disclose that there is a connector between the emergency disconnect and the wellhead. Reynolds

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discloses an emergency disconnect (45) for use with a subsea well. Naturally, since the emergency disconnect is attached to the wellhead, then there is a connector between the disconnect and the wellhead. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an emergency disconnect on the apparatus of Moss '552 in view of WIPO '798. This would be done to prevent any catastrophes should the stack break away from the wellhead do to undersea current.

6. Claims 15, 16 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss '552 in view of WIPO '798 and Sonnenschein et al. Moss '552 in view of WIPO '798 shows all the limitations of the claimed invention, except they do not disclose that the ROV is controlled through wireless acoustic wave signals. Sonnenschein et al. (col. 8 lines 48-55) discloses an ROV that receives acoustic wireless signals to communicate and instruct it. It would have been obvious to one of ordinary skill in the art at the time the invention was made to control the ROV of Moss '552 in view of WIPO '798 through the use of wireless acoustic signals. This would be done to allow for more flexibility in the movement of the ROV.

7. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss '552 in view of Kogure et al. Moss '552 shows all the limitations of the claimed invention, except it does not disclose that there are buoyancy tanks located on the stack or carrier spool. Kogure et al. teaches the usefulness of buoyancy tanks when dealing with subsea vessels (col. 4 lines 31-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the apparatus of Moss '552 to use the buoyancy devices as claimed by Kogure et al. This would allow greater control over the apparatus and allow them to come to the surface when necessary.

Response to Arguments

8. Applicant's arguments filed 9/9/05 have been fully considered but they are not persuasive.

9. It is the assertion of the applicant that there is no motivation to combine Moss '552 with the wireless device of Sonnenschein et al. The examiner respectfully traverses this assertion. It is pointed out in the above rejection that Sonnenschein et al. teaches that the wireless communication can be used to control a ROV. It is common knowledge within the art of communications that the use of wireless technology is desirable.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

10. It is the assertion of the applicant that Moss would not be combined with Kogure et al. due to the nature of the patents. Moss is directed to the elimination of a riser from an underwater installation while Kogure et al. is directed to a riser and riser stabilization system. It is pointed out that the references must be considered as a whole, including portions that would lead away from the claimed invention. The examiner respectfully traverses this assertion. The only portion of the Kogure et al. document that needs to be considered is the buoyancy tanks. It is stated that the tanks/ballasting system "have long been used in underwater operations such as diving and the

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like” (col. 4 lines 46-48). The entire document was considered, and it was found to show that buoyancy tanks could be used to lift subsea vessels. Just because something is disclosed as performing a function on one object does not preclude it from performing a similar function on other objects. Therefore, although the Kogure et al. document is directed to using buoyancy tanks on a riser while the Moss ‘552 document teaches away from using a riser, this does not prevent the use of the buoyancy tanks of Kogure et al. on another object, i.e. the stack of Moss ‘552.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Stephenson whose telephone number is (571) 272-7035. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, David J. Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Bagnell
Supervisory Patent Examiner
Art Unit 3672

DPS 